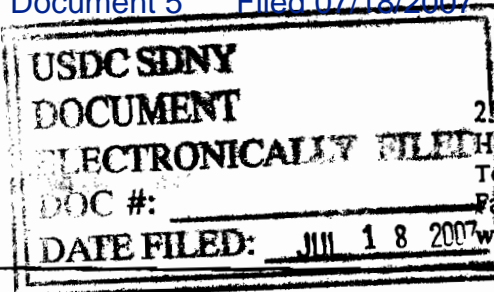




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July 18, 2007 **MEMO ENDORSED**

VIA FAX TRANSMISSION [(212) 805-0426]

Honorable Laura Taylor Swain, USDJ
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 Pearl Street
New York, NY 10007

IT IS ORDERED that counsel to whom this Memo
endorsement is sent is responsible for faxing or
otherwise delivering promptly a copy to all counsel
for represented parties and filing a certificate of
service within 5 days from the date hereof. Do
not fax such certification to Chambers.

**RE: MAUREEN FRASE v. JC PENNEY CORPORATION INC. AND FISHER
DEVELOPMENT, INC.**

Docket No:

07-CV-5934

Our File Number:

003772.000019

Dear Judge Swain:

We represent defendant J.C. Penney in the above matter. In accordance with our conversation with Tyler Friedman of Your Honor's Chambers, we respectfully request adjournment of the Conference scheduled in this case for July 23, 2007. As a result of some confusion by this office regarding the appearance of the co-defendant and the scheduling of the Initial Conference herein, the parties have not yet held a Planning Conference amongst themselves nor have the parties completed or filed a Preliminary Pre-Trial Statement.

Simultaneously herewith, the undersigned is transmitting this Court's Initial Conference Order to opposing counsel. The undersigned respectfully requests that the Pre-Trial Conference in this case be adjourned to a date convenient for the Court and that the parties' deadline for conducting a Rule 26 Conference and submitting a Preliminary Pre-Trial Statement be extended until seven (7) days prior to the new Conference date.

Thanking the Court for its time and attention to this matter, I remain,

Very truly yours,

BRADLEY J. LEVIEN
(BL-0503)

BJL/js

*The conference is adjourned
to August 21, 2007 at 3:00pm
and the related deadlines
are modified accordingly.*

SO ORDERED.

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE